

Introduced by Senator OropezaDecember 1, 2008

An act to add Section 8594.5 to the Government Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

SB 18, as introduced, Oropeza. Emergency services: Emergency Alert System.

Existing law authorizes use of the Emergency Alert System to inform the public of local, state, and national emergencies.

This bill would require law enforcement agencies that are informed of a missing senior person, who is 65 years of age or older, and that determine the missing person has an impaired mental condition, the person disappearance poses a credible threat to his or her health and safety, and that there is information available that, if disseminated to the general public, could assist with the safe recovery of the missing person, to request, absent extenuating investigative needs, activation of the Emergency Alert System within the appropriate local area. By imposing new duties on local law enforcement agencies, the bill would create a state-mandated local program.

The bill would require the Department of the California Highway Patrol, in consultation with the Department of Justice and representatives from other organizations, to develop policies and procedures providing instruction specifying how law enforcement agencies, broadcasters participating in the Emergency Alert System, and any other intermediate emergency services agencies that may institute activation of the Emergency Alert System and, where appropriate, other supplemental warning systems shall proceed after a law enforcement agency receives a qualifying report of a missing senior person.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8594.5 is added to the Government Code,
2 to read:

3 8594.5. (a) If a senior person is reported missing to a law
4 enforcement agency and the agency determines that the person's
5 location is unknown, the person has an impaired mental condition,
6 the person disappearance poses a credible threat to the his or her
7 health and safety, and there is information available that, if
8 disseminated to the general public, could assist in the safe recovery
9 of the missing person, the agency, through a person authorized to
10 activate the Emergency Alert System, shall, absent extenuating
11 investigative needs, request activation of the Emergency Alert
12 System within the appropriate local area. Law enforcement
13 agencies shall only request activation of the Emergency Alert
14 System for a missing senior person if these requirements are met.

15 The Department of the California Highway Patrol, if requested
16 by a law enforcement agency, shall activate the system.

17 (b) The Department of the California Highway Patrol, in
18 consultation with the Department of Justice, as well as a
19 representative from the California State Sheriffs' Association, the
20 California Police Chiefs' Association, and the California Peace
21 Officers' Association, shall develop policies and procedures
22 providing instruction specifying how law enforcement agencies,
23 broadcasters participating in the Emergency Alert System, and
24 any other intermediate emergency agencies that may institute
25 activation of the Emergency Alert System, and, where appropriate,
26 other supplemental warning systems, shall proceed after a law
27 enforcement agency receives a qualifying report of a missing senior

1 person. Those policies and procedures shall include, but not be
2 limited to, the following:

3 (1) Procedures for transfer of information regarding the missing
4 senior citizen from the law enforcement agency to the broadcasters.

5 (2) Specification of the event code or codes that should be used
6 if the Emergency Alert System is activated to report a missing
7 senior person.

8 (3) Recommended language for a missing senior person alert.

9 (4) Specification of information that must be included by the
10 reporting law enforcement agency, including which agency a
11 person with information relating to the missing senior person
12 should contact and how that person should contact the agency.

13 (5) Recommendations on the extent of the geographical area to
14 which a missing senior person alert should be broadcast.

15 (c) The Department of the California Highway Patrol, in
16 consultation with the Department of Justice, shall review the Silver
17 Alert Plan as adopted by other states for guidance in developing
18 appropriate policies and procedures for use of the Emergency Alert
19 System and, where appropriate, other supplemental warning
20 systems to report a missing senior person.

21 (d) For the purpose of this section, “senior person” means any
22 person who is 65 years of age or older.

23 SEC. 2. If the Commission on State Mandates determines that
24 this act contains costs mandated by the state, reimbursement to
25 local agencies and school districts for those costs shall be made
26 pursuant to Part 7 (commencing with Section 17500) of Division
27 4 of Title 2 of the Government Code.